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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,869	04/12/2001	Saeed Fereshtehkhou	6664MD	6629

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EXAMINER
RUDDOCK, ULA CORINNA

ART UNIT	PAPER NUMBER
1771	2

DATE MAILED: 09/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n No.	Applicant(s)	
	09/833,869	FERESHTEHKHOU ET AL.	
	Examiner	Art Unit	
	Ula C Ruddock	1771	

-- The MAILING DATE f this communication appears on the cover sheet with the correspondence address --

Period for R ply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *12 April 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-47 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-17 of copending Application No. 09/419,592. Although the conflicting claims are not identical, they are not patentably distinct from each other because Applicant's claims are drawn to a cleaning sheet for removing dust from a surface, whereas the claims of 09/410,592 are drawn to an article of manufacture for removing allergens comprising a cleaning sheet..

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claims 24-38 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-12, 14, 16-49, 52-67, and 69-109 of copending Application No. 09/082,349. Although the conflicting claims are not identical, they are not patentably distinct from each other because Applicant's claims are drawn to a

cleaning sheet comprising one or more high basis weight regions having a basis weight of from about 30 to about 120 g/m^2 and one or more low basis weight regions, wherein the low basis weight region has a basis weight that is not more than about 80% of the basis weight of the high basis weight regions, whereas the claims of 09/082,349 are drawn to a cleaning sheet comprising one or more high basis weight regions having a basis weight of from about 30 to about 120 g/m^2 and one or more low basis weight regions, wherein the low basis weight region has a basis weight that is not more than about 80% of the basis weight of the high basis weight regions and wherein the high basis weight region and the low basis weight region co-exist in at least one X-Y dimension of the cleaning sheet wherein at least about %5 of the cleaning sheet's total surface area is comprises of low basis weight regions.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
> (e) the invention was described in-
> (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
> (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

5. Claims 1, 2, 5, 15-23, 39, 40, 42, 44, and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Haynes et al. (US 5,962,112). Haynes et al. disclose a wiper made from thermoplastic polymer fibers (abstract). The wiper contains fragrances, perfumes, and oils or other chemicals (col 1, ln 15-18). The wipers are made of fibers such as polyesters, polyamides, and polyolefins (col 8, ln 9). A specific type of polyolefin fiber is a polyethylene fiber (col 35-36). Support layers include spunlaced scrim materials (col 12, ln 19-20).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 3, 4, 6-14, 41, 43, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haynes et al. (US 5,962,112), as set forth above, in view of Henry (US 4,064,061) or Thrasher (US 5,342,436). Haynes et al. disclose the claimed invention but fail to teach that the sheet is treated with an additive comprises a mineral oil or a paraffin wax at an add-on level of at least about 0.1-25% by weight at a ratio of oil to wax of from about 1:99 to about 1:1.

Henry teaches a cleaning cloth composition that includes mineral oil and paraffin wax (col 1, ln 50 to col 2, ln 1-2) and Thrasher teaches a composition comprises paraffin wax dispersed in mineral oil (abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used either Henry's or Thrasher's composition on Haynes' wiper

motivated by the desire to obtain a wiper that leaves a protective residue on the surface to be cleaned.

It should be noted that optimizing the amount of oil and wax added to a wiper is a result effective variable. The higher the amount of oil or wax directly affects the amount of protective residue left on a desired surface. Therefore, it also would have been obvious to one having ordinary skill in the art to have the add-on amount of the additive and the ratio of oil to wax be within the claimed range, since it has been that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch,* 617 F. 2d 272, 205 USPQ 215 (CCPA 1980). In the present invention, one would have been motivated to optimize the add-on amount and the ratio of oil to wax in order to create a fibrous structure that can leave either a thin or thick protective residue.

8. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haynes et al. (US 5,962,112), as set forth above, in view of WO 98/23199 (WO '199). Haynes et al disclose the claimed invention except for the teaching of a handle applied to the fibrous structure. WO '199 discloses a cleaning implement comprising a handle and a removable cleaning pad. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have added the handle of WO '199 to the wiper of Haynes et al. motivated by the desire for an ergonomic fibrous structure and for comfort purposes.

Allowable Subject Matter

9. Claims 24-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: no prior art was found to teach or suggest a cleaning sheet comprising one or more high basis weight regions having a basis weight of from about 30 to about 120 g/m^2 and one or more low basis weight regions, wherein the low basis weight region has a basis weight that is not more than about 80% of the basis weight of the high basis weight regions.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is (703) 305-0066. The Examiner can normally be reached Monday through Thursday from 7:30 AM to 6 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor Terrel Morris can be reached at (703) 308-2414.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-2351.

Ula C. Ruddock UCR
Patent Examiner
Art Unit 1771
9/9/02

Ula Ruddock